IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3425 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHANDRAKANT RATANLAL GANDHI

Versus

SHANUBHAI RAMSINHBHAI VASAVA

Appearance:

1. Special Civil Application No. 3425 of 2004

MR HRIDAY BUCH for Petitioner No. 1

MR PN BAVISHI for Respondent No. 1-2

MR.CB GODIGAJBAR for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 21/02/2005

ORAL JUDGEMENT

1. The petitioner has preferred this petition in order to quash and set aside the order dated 25/02/2004 passed by the learned Joint District Judge, Bharuch at Rajpipla in Civil Misc. Appeal No.11 of 1998, whereby the appeal was allowed and the order passed below exh.5

application in Regular Civil Suit No.83 of 1995 was quashed.

2. By order dated 19/03/2004, this Court had granted ad-interim stay in terms of Para-9(C) of the petition by which the operation and implementation of the impugned order was stayed pending the final disposal of the petition. The suit in question is of the year 1995. No fruitful purpose will be served be entertaining this petition at this stage. In my opinion, ends of justice would be met if the trial Court is directed to expedite the hearing of the suit while continuing the ad-interim stay granted by this Court.

3. Therefore, without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suit being Regular Civil Suit No.83 of 1995 and to dispose it of within a period of six months from the date of receipt of writ of this order. Parties are directed to abide by the order passed by this Court by order dated 19/03/2004 till the said suit is finally disposed of. The trial Court while deciding the suit shall not be influenced by the observations made by the Appellate Court in its order nor by the observations made in this order.

4. With the above observations and directions, the Appeal from Order stands disposed of. Office is directed to send writ of this order forthwith. Rule is made absolute to the aforesaid extent.

[K. S. JHAVERI, J.]
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